



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Louis E. BURTON, et al.

Application Serial No. 10/072,681

Filed: February 8, 2002

For: **ISOLATION OF NEUROTROPHINS
FROM A MIXTURE CONTAINING
OTHER PROTEINS AND
NEUROTROPHIN VARIANTS USING
HYDROPHOBIC INTERACTION
CHROMATOGRAPHY**

Examiner: Mohamed, Abdel A.

Art Unit: 1653

Confirmation No. 2508

Attorney's Docket No. 39766-0037 C3

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TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Commissioner for Patents -- **Mail Stop AF**
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

1. The owner, Genentech, Inc., having a principal place of business at 1 DNA Way, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the inventions disclosed in U.S. Patent Nos. 6,423,831, 6,184,360, and 6,005,081.

Genentech, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of pending Claims 1-20 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any of U.S. Patent Nos. 6,423,831, 6,184,360, and 6,005,081. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. U.S. Patents 6,423,831, 6,184,360, and 6,005,081 are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term of any of U.S. Patent Nos. 6,423,831, 6,184,360, or 6,005,081 as defined in 35 U.S.C. §§154-156 and §173, as presently shortened by any terminal disclaimer in the event that it later: is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. Please charge any fee owing, and credit any over-amount, to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0037 C3.

Respectfully submitted,

By: 

James A. Fox (Reg. No. 38,455)

Dated: October 16, 2003

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